

MYSORE LEGISLATIVE ASSEMBLY.

FORTY-EIGHTH DAY.

Thursday, the 2nd July 1964.

The House met in the Assembly Hall, Vidhana Soudha, Bangalore, at Five Minutes past Twelve of the Clock.

[MR. SPEAKER (SRI B. VAIKUNTA BALIGA, B.A., B.L.) in the Chair].

Mr. SPEAKER.—Before we take up the Questions, I have to apologise to the House for find from the inconvenience, if any, caused to the Hon'ble members because of changing that time of to-day's meeting. In the List of Business issued earlier it was noted as 12-30 p.m. A revised List of Business has been issued, indicating the time of meeting as 12 NOON instead of 12-30 p.m. I take the full responsibility for it. It is a mistake committed by my office. So Questions of such Members who are now present, will be taken up first and the questions of others who are not present now will not be allowed to lapse and they will be taken up to-morrow. Till 1-30 p.m. I cannot afford to wait. I cannot grant more than one hour for Questions. That is the adjustment that has to be made to see that no injustice is done to any body.

STARRED QUESTIONS

(to which oral answers were given)

Action taken by the Police Department in respect of Observation made by the Judicial Authority regarding Defective Investigations done by the Investigating Officers.

*Q.—569. Sri R. S. PATIL (Ramadurga).

Will the Government be pleased to state :—

what is the action taken by the Police Department in respect of the observations made by the Judicial authority including High Court, Sessions Courts and Magistrates, regarding defective investigations done by the Investigating Officers?

[3189]

A.—Sri R. M. PATIL (Minister for Home).—Both corrective and punitive measures are being taken in respect of judicial observations.

ಶ್ರೀ ಆರ್. ಎಸ್. ಪಾಟೀಲ್.—ಕೋರ್ಟುಗಳಲ್ಲಿ ನಮ್ಮ ರಾಜ್ಯದ ಎಷ್ಟು ಮಂದಿ ಅಧಿಕಾರಿಗಳ ಬಗ್ಗೆ ಈ ಅಭಿಪ್ರಾಯಗಳನ್ನು ವ್ಯಕ್ತಪಡಿಸಿದ್ದಾರೆ ?

†Sri R. M. PATIL.—The number of officers in respect of whom judicial strictures have been passed is 215.

Sri C. J. MUCKANNAPPA.—Out of these 215, how many of them have investigated dacoity, robbery and murder cases, Sir ?

Sri R. M. PATIL.—Those details are not with me, at present. If necessary, I will submit the same. As regards the steps taken, I can furnish to the Hon'ble Members.

Sri G. V. GOWDA.—May I know whether any steps have been taken to give necessary training to the officers who are responsible for those faulty investigations ?

Sri R. M. PATIL.—Both instructions and punishments are mentioned in the written answer. Instructions are : 295 Law Section Circulars have been issued, and 19 monthly bulletins relating to several aspects of law such as, Investigation, Prosecution covering preparation of first-hand information reports, conduct of searches, preparation of search lists regarding all information under Section 27 of the Indian Evidence Act, Conduct of test identification of person and property, Investigation and prosecution of cases against Receivers of stolen property, production of expert evidence, Investigation of offences under the Prevention of Corruption Act, Raids of Brothels, Investigations under Section 174, Emergency legislation including the Defence of India Act and Defence of India Rules, and various other ordinances and rules, have also been issued. All these come under these Law Bulletins.

ಶ್ರೀ ಆರ್. ಎಸ್. ಪಾಟೀಲ್.—ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಬಜೆಟ್ ಅಧಿವೇಶನದಲ್ಲಿ ಬೇಡಿಕೆಗಳ ಮೇಲಿನ ಚರ್ಚೆಗೆ ಉತ್ತರ ಕೊಡುತ್ತ ತನಿಖಾಧಿಕಾರಿಗಳ ಮೇಲೆ ಯೋಗ್ಯ ಕ್ರಮಗಳನ್ನು ತೆಗೆದು ಕೊಳ್ಳುತ್ತೇವೆಂದು ಹೇಳಿದರು. ಮೂರು ತಿಂಗಳಲ್ಲಿ ಎಷ್ಟು ಜನರಮೇಲೆ ಕ್ರಮ ತೆಗೆದು ಕೊಂಡಿದ್ದಾರೆಂಬುದನ್ನು ತಿಳಿಸುವುದಕ್ಕಾಗುತ್ತದೆಯೇ ?

Sri R. M. PATIL.—So far the officers in respect of whom adverse remarks have been made or adverse strictures have been passed by the High Court, Sessions Courts and Magistrates' Courts, as I submitted already, are 215. The break-up is not with me.

Sri C. J. MUCKANNAPPA.—After the Government giving a word of caution to these investigating officers, within three months, a number of murder cases came up before courts and strictures were passed by the High Court as well as the Sessions Court. May I know whether those Cases are also included or cases tried before the 31st March 1964 are also included.

Sri R. M. PATIL.—This is only up to 1st February 1964. Thereafter, statistics will be collected and action will be taken.

Sri G. V. GOWDA.—May I know whether the Government has got any machinery to find out that these officers to whom instructions have been given have taken note of them and that they are sufficiently well versed in those matters ?

†Indicates that the remarks or speeches have not been revised by the member concerned.

Sri R. M. PATIL.—A Law Section has been created in the Office of the Inspector-General of Police on 14th May 1962. A register has been maintained noting down such strictures and they are examined and ultimately action is taken. Besides this, there is also a register maintained by every Superintendent of Police at the district level. He collects information in respect of the strictures passed by the various courts including the Sessions Court.

Sri GANJI VEERAPPA.—May I know in how many such cases during the last two or three years, have punishments been meted out wherever observations were made by the courts ?

Sri R. M. PATIL.—41 Circle Inspectors and 1 Dy. S. P. are proceeded against. Out of these 41 Circle Inspectors, 21 Circle Inspectors are awarded punishments and 9 are exonerated. Departmental enquiry was taken against 11 Circle Inspectors. As regards Sub-Inspectors, 73 are punished, 18 are exonerated and 18 are under departmental enquiry. In all, 109 Sub-Inspectors are proceeded against from 1st January 1961 to 1st February 1964 (three years). Eight Assistant Sub-Inspectors and 22 Head Constables are punished, 8 Head Constables are exonerated and 5 are under departmental proceedings. Nine Police Constables are punished 2 are exonerated and departmental proceedings are still pending against 6 Police Constables.

Sri GANJI VEERAPPA.—Has it also come to the notice of Government that there has been inordinate delay in the investigation and submission of the final reports ?

Sri R. M. PATIL.—In some cases, delays have occurred. That is due mostly by the persons against whom departmental enquires are conducted. The reason is that they do not want to face the trial for one reason or the other. They want the proceedings to be delayed.

Sri SIDDIAH KASHIMATH.—What kind of punishment is given to the officers ?

Sri R. M. PATIL.—One Dy. S. P. is dismissed and one Head Constable and 3 police constables are dismissed. The rest are given various punishments other than dismissal.

Sri G. V. GOWDA.—Has it come to the notice of Government that in most of these cases, ineffective investigations were made not out of ignorance of law but with ulterior motives ?

Sri R. M. PATIL.—That is why these departmental enquires are held. Where *bona fide* mistakes are committed the officers concerned are exonerated, but where *mala fide* mistakes are committed, the officers responsible for the same are punished.

ಶ್ರೀ ಬಿ. ಜಿ. ಸತ್ಯನಾರಾಯಣ.—ಪ್ರೊಸಿಕ್ಯೂಷನ್ ನಂಬಿಂಗ್‌ಪಟ್ಟಿ ಕೆನುಗಲು ಇದರಲ್ಲಿ ಇನ್‌ಕ್ಯೂಡ್ ಆಗಿವೆಯೇ ?

Sri R. M. PATIL.—It includes all cases.

Sri GANJI VEERAPPA.—Has it come to the notice of Government that there is no proper co-ordination between the prosecution side and the investigation side ?

Sri R. M. PATIL.—It is not exactly that there is no co-ordination, but the co-ordination shall have to be strengthened.

ಶ್ರೀ ಎಚ್. ಆರ್. ಕೇಶವಮೂರ್ತಿ.—ಪೊಲೀಸ್ ಡಿಪಾರ್ಟ್‌ಮೆಂಟ್ ಆಫೀಸರಿಂದ ಡಿಫೆಕ್ಟಿವ್ ಇನ್‌ವೆಸ್ಟಿಗೇಷನ್ ಮಾಡಿದ ಮೂಲಕ ತೊಂದರೆಗೀಡಾದ ಪ್ರಜೆಗಳಿಗೆ ಏನಾದರೂ ಪರಿಹಾರ ಕೊಡುವ ಪಾಲಿಸಿ ಸರ್ಕಾರಕ್ಕೆ ಇದೆಯೇ ?

ಶ್ರೀ ಆರ್. ಎಂ. ಪಾಟೀಲ್.—ಪ್ರಜೆಗಳಿಗೆ ತೊಂದರೆಯಾಗಿಲ್ಲ. ಗುಹ್ನೆ ಮಾಡಿದ್ದರೆ ಶಿಕ್ಷೆ ಮಾಡಲಾಗುವುದು.

ಶ್ರೀ ಎಚ್. ಆರ್. ಕೇಶವಮೂರ್ತಿ.—ತಪ್ಪು ಇನ್‌ವೆಸ್ಟಿಗೇಷನ್ ಮಾಡುವವರಿಗೆ ಏನು ಶಿಕ್ಷೆ ಮಾಡುತ್ತೀರಿ ?

Sri R. M. PATIL.—If specific instances are brought to the notice of the Government, it will be considered.

Sri C. J. MUCKANNAPPA.—After the experience gained by the Government, do the Government contemplate any new scheme or idea or any other ways and means to have a correct investigation in these cases ?

Sri R. M. PATIL.—The main defect in the investigations was that inexperienced officers were posted by way of promotions. Therefore, training is given to the investigating officers. Refresher courses also will be introduced and in addition to that, Government is contemplating to appoint Law Graduates to conduct prosecutions.

ಶ್ರೀ ಗಂಗಾಧರ ನಾಮೋಷಿ.—ಪಬ್ಲಿಕ್ ಪ್ರಾಸಿಕ್ಯೂಟರ್ಸ್ ಆಗಿ ಕೆಲಸ ನಡೆಸತಕ್ಕಂಥವರು ಒಳ್ಳೆ ಎಕ್ಸ್‌ಪೀರಿಯನ್ಸ್ ರಾಯರ್ಸ್ ಇಲ್ಲದೇ ಇರುವುದರಿಂದ ಕೇಸಸ್ ಹೇರ್ ಆಗುತ್ತಿರುವುದು ಸರ್ಕಾರದ ಗಮನಕ್ಕೆ ಬಂದಿದೆಯೇ ?

ಶ್ರೀ ಆರ್. ಎಂ. ಪಾಟೀಲ್.—ಅಂಥಾದ್ದು ಗಮನಕ್ಕೆ ಬಂದಿಲ್ಲ. ಅಂಥ ಕೇಸ್ ಇದ್ದರೆ ಅದನ್ನು ಸರ್ಕಾರದ ಗಮನಕ್ಕೆ ತಂದರೆ, it will be considered.

Tanks newly constructed and restored in Tumkur Taluk during the last two years.

*Q.—582. Smt. G. C. BHAGEERATHAMMA (Tumkur).—

Will the Government be pleased to state :—

(a) the number of tanks newly constructed and restored in Tumkur Taluk during the last two years (details of tanks constructed and restored may be furnished);

(b) the number of applications received by them for the construction of new tanks and restoration of old tanks in the said taluk during the said years (details may please be furnished) ?

A.—Sri VEERENDRA PATIL (Minister for Public Works).—

(a) Two new tanks were constructed and six tanks were restored during the last two years as per statement 'A' appended.

(b) Thirty-eight applications were received during the last two years for construction of 17 new tanks and restoration of 30 tanks, vide statement 'B' given below.